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DISTRICT COURT
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DISTRICT OF UTAH

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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

J. BRONSON, G. LEE COOK and
D. COOK,

Plaintiffs,

vs.

SHERRIE SWENSEN, in her official
capacity as Salt Lake County Clerk,

Defendant.

DEFENDANT'S CROSS MOTION FOR
SUMMARY JUDGMENT

Case No. 02-04CV-00021

Judge Ted Stewart

Pursuant to Rule 56 of the Rules of Practice for the United States District Court for the District of Utah, Defendant, by and through counsel, Jerrold S. Jensen and Julie V. Lund, respectfully moves this Court for summary judgment against the Plaintiffs. This Motion is supported by the Plaintiffs' statement of undisputed facts and Defendant's Memorandum in Support of this Motion filed herewith.

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There are no issues of material fact in substantial dispute and therefore summary judgment would be appropriate.

Plaintiffs are seeking a judicial determination as to the unconstitutionality of two provisions of Utah law and one of federal law regarding the practice of polygamy in the State of Utah. Plaintiffs G. Lee Cook and J. Bronson applied for a marriage license from defendant Sherrie Swensen, the Salt Lake County Clerk. Defendant refused to issue a marriage license to them because G. Lee Cook was already married to D. Cook and issuance of a license would violate Utah law and the Utah Constitution.

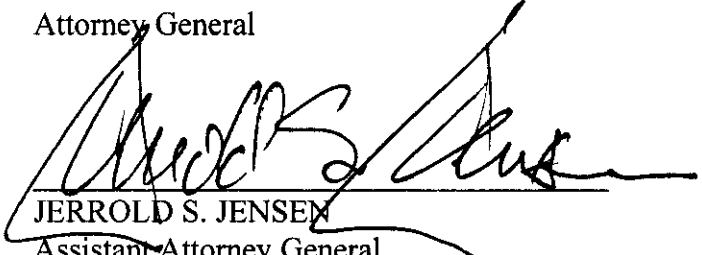
Summary judgment is appropriate “ if the pleadings, ... together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Fed.R.Civ.P. 56(c).

RELIEF SOUGHT

Defendant requests that this court grant summary judgment in her favor and find that Plaintiffs lack standing to bring this action. Defendant also asks this court to affirm the constitutionality of Utah Code Ann. § 76-7-101, Article III of the Utah Constitution and the Utah Enabling Act Section Three as they do not violate the constitutional protections afforded the Plaintiffs.

DATED this 24 day of May, 2004.

MARK L. SHURTLEFF
Attorney General

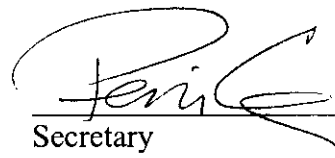


JERROLD S. JENSEN
Assistant Attorney General

CERTIFICATE OF MAILING

I certify that I mailed a true and correct copy of the foregoing DEFENDANT'S CROSS
MOTION FOR SUMMARY JUDGMENT first class postage prepaid, on this 24 day of May,
2004, to the following:

Brian M. Barnard
James L. Harris Jr.
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Salt Lake City, UT 84111


Secretary